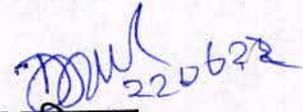


कार्यालय:- प्रधान जिला एवं सत्र न्यायाधीश, अशोकनगर (म0प्र0)

पृ. क्रमांक / 1100 / तीन-09-04 / सां0 / 10 अशोकनगर, दिनांक ... 22-6-22

प्रतिलिपि यथानिर्देशानुसार:-

1. श्रीमान् प्रथम / द्वितीय / अति0 / जिला जज महोदय, अशोकनगर / मुंगावली / चंदेरी।
2. प्रथम / द्वितीय / तृतीय / अति0 / व्यवहार न्यायाधीश, वरिष्ठ खण्ड, अशोकनगर / मुंगावली / चंदेरी।
3. प्रिंसिपल मजिस्ट्रेट, किशोर न्याय बोर्ड, अशोकनगर।
4. प्रथम / द्वितीय / तृतीय / चतुर्थ / अति0 / व्यवहार न्यायाधीश, कनिष्ठ खण्ड, अशोकनगर / मुंगावली / चंदेरी / ईसागढ़।
5. प्रस्तुतकार, प्रधान जिला एवं सत्र न्यायाधीश, अशोकनगर।
की ओर रजिस्ट्री जबलपुर ज्ञापन क्रं0 सी / 2802 दिनांक 05.07.2017 एवं उसके साथ संलग्न माननीय उच्च न्यायालय की आपराधिक अपील क्रं0 1477 / 2017 में पारित आदेश दिनांक 23.06.2017 की छायाप्रति भेजकर अनुरोध है कि माननीय उच्च न्यायालय द्वारा प्रकरण की स्थिति की रिपोर्ट मांगे जाने एवं विचारण न्यायालय के द्वारा प्रकरण के निराकरण हेतु समय मांगे जाने की स्थिति में उक्त आदेश में दिये दिशा-निर्देशों का कड़ाई से पालन सुनिश्चित किये जाने हेतु सादर प्रेषित।
6. जूनियर सिस्टम एनालिस्ट, कार्या0 प्रधान जिला एवं सत्र न्यायाधीश, अशोकनगर की ओर जिला न्यायालय, अशोकनगर की वेबसाइट पर अपलोड किये जाने हेतु प्रेषित।
संलग्न :- उपरोक्तानुसार।


जिला रजिस्ट्रार
कार्या0 प्रधान जिला एवं सत्र न्यायाधीश
अशोकनगर (म0प्र0)

HIGH COURT OF MADHYA PRADESH: JABALPUR

// MEMORANDUM //

No. CJ 2802 /
III-2-53/17

Jabalpur, dt. 5 / 7 / 2017

To,

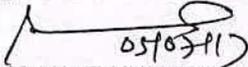
The District & Sessions Judges,
.....(all in the State)

Subject:- Regarding status report of the trial sought by High Court.

Reference:- Instructions passed in Criminal Appeal no. 1477/2017 -
order dated 23-06-2017.

As directed, on the subject & reference mentioned above, I am to inform you that Hon'ble the Chief Justice has been pleased to direct you to circulate the instructions to all the Judicial Officers working under your kind control that as & when the status report of the trial is sought by the High Court, it must contain the explanation with following facts :-

1. On which date, the order passed by the Court regarding conclusion of the trial, or to take steps for recording of the statement of the witnesses was received.
2. The trial Judge shall specify the steps taken by him more particularly from the date of receiving the order to conclude the trial, or to record the statement of witnesses.
3. It be explained, despite sincere efforts, why direction may not be carried out, and whether he has applied for extension of time limit, if applied, what orders are passed by this Court.
4. It be explained, whether delay in trial is attributable to prosecution or defence.
5. If the status report are received without explaining the aforesaid point, it may be treated to be inaction by the trial Judge and incapacity of the concerned District & Sessions Judge under whose control those Judges are working."


(SANAT KUMAR KASHYAP)
REGISTRAR(DE)

Cr. A. No. 1477/201723/06/2017

None appears on behalf of the applicant.

On perusal of the proceedings, it reveals, that on 11/05/2017, the following order was passed :-

It is complained that prosecutrix is not coming to the Court despite elapse of one year of framing of the charge, however, status report be called for from the Court concerned clarifying that what steps have been taken for recording the statement of the prosecutrix and whether delay, if any, is attributable to the prosecution or defence. The report in this regard be sent by the Court concerned within a period of two weeks from today.

List the case after two weeks.

Registry shall take appropriate steps to call for the report.

As directed and on communication, the status report has been sent by the Special Judge (Atrocities), Narsinghpur on 25/05/2017 which is as under :-

“महोदय जी,

उपरोक्त विषयांतर्गत एवं संदर्भित माननीय उच्च न्यायालय म0प्र0 जबलपुर की दांडिक अपील क्रमांक 1477/2017 प्रेमनारायण कुर्मी विरुद्ध मध्य प्रदेश राज्य एवं अन्य, आदेश दिनांक 11.05.2017 के तारतम्य में अनुरोध है कि इस न्यायालय में लंबित विशेष प्रकरण क्रमांक-14/2016 शासन वि0 प्रेमनारायण पुलिस थाना सुआतला अप. क्र.-474/15 धारा-376-घ विकल्प में 376(1) भा.द.वि. तथा धारा-3(2-5) एस.सी.एस.टी.एक्ट के संबंध में प्रगति प्रतिवेदन निम्नानुसार सादर प्रेषित है :-

01. प्रकरण में दिनांक 21.12.2015 को अधीनस्थ न्यायालय के समक्ष अभियोग पत्र प्रस्तुत किया गया एवं उपापण आदेश दिनांक 18.01.2016 के अनुसार इस न्यायालय में दिनांक 27.01.2016 को प्राप्त होकर प्रकरण विशेष प्रकरण के रूप में पंजीबद्ध किया गया एवं दिनांक 12.02.2016 को आरोप पर तर्क सुने जाकर आरोपी के विरुद्ध आरोप विरचित किये गये।

02. प्रकरण में 03 साक्षियों की साक्ष्य अंकित की जा चुकी है।

प्रकरण में 14 साक्षियों की साक्ष्य अंकित होना शेष है। वर्तमान में प्रकरण अभियोजन साक्ष्य हेतु दिनांक-14/07/2017 को नियत है। तदानुसार प्रगति प्रतिवेदन सादर प्रेषित है।”

On perusal, it reveals that either the Judge has not gone through the order passed on 11/05/2017 or he has deliberately not stated why statement of the prosecutrix was not recorded within the specified time, explaining the delay. It has also not been explained, whether the delay is attributable to the prosecution or defence. Therefore, this Court is unable to accept such report.

It is noticed everyday that as and when report is sought from the Judges regarding the delay in trial, those reports do not specify the cause of delay either attributable to the prosecution or defence. In some of the cases, after issuance of the direction, the Judges send the P.U.D. for extension of time, which are listed by the Registry for disposal before the Bench. But its record are not available in the second or third bail, because disposal of P.U.D. remain in disposed file of earlier bail. In addition, the reports received from the Judges remain on irrelevant issues or discussion.

To my mind, either the Judges do not want to clarify the correct position of facts or they deliberately do not want to disclose the cause of delay. Such act of the trial Judges cannot be appreciated, and, usually it waste the time of the Court. Within last two days, three similar orders have been passed in M. Cr. C. Nos. 7185/17, 8056/17 and 8478/17 asking explanation second time. It is to observe here, due to receiving the incomplete report, valuable time of the Court is being waste and it effects the functioning of the Registry also by asking reports again and again, however, in fair administration of justice, certain directions are required to be issued.

It is hereby directed that Registrar General of this Court shall issue specific instructions to all the District Judges that as and when the status report of trial is sought by the High Court, it must contain the explanation with following facts:-

1. On which date, the order passed by the Court regarding conclusion of the trial, or to take steps for recording of the statement of the witnesses was received.
2. The trial Judge shall specify the steps taken by him more particularly from the date of receiving the order to conclude the trial, or to record the statement of witnesses.
3. It be explained, despite sincere efforts, why direction may not be carried out, and whether he has applied for extension of time limit, if applied, what orders are passed by this Court.
4. It be explained, whether delay in trial is attributable to prosecution or defence.
5. If the status report are received without explaining the aforesaid point, it may be treated to be inaction by the trial Judge and incapacity of the concerned District & Sessions Judge under whose control those Judges are working.

Let steps be taken in this regard by the Registrar General within a week and a report be submitted in the Chamber.

List this case along with the fresh report on 10th July, 2017.

(J. K. Maheshwari)
Judge

Vy/